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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,214	12/18/2001	Michael John Niemeyer	KCC-15,750	4970
35844	7590	01/18/2005	EXAMINER	
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD HOFFMAN ESTATES, IL 60195			COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,214

Applicant(s)

NIEMEYER ET AL.

Examiner

Elizabeth M. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-25,27-40 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-25,27-40,42-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-6, 8, 10-11, 16, 19-21, 23, 24-25, 27, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putzier, U.S. Patent No. 5,26,218 in view of GB 1,231,64 for the reasons set forth in paragraph 4 of the previous rejection.
3. Claims 1-14, 16-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/17695 to Everett et al in view of GB 1,231,648 for the reasons set forth in paragraph 5 of the previous rejection
4. Claims 15, 34, 35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everett in view of GB 1,231,648 as applied to claims 1-14, 16-33 above, and further in view of Rosh et al, U.S. Patent NO. 6,009,558 as set forth in paragraph 6 of the previous rejection.
5. Applicant's arguments filed 11/15/04 have been fully considered but they are not persuasive.
6. With regard to Putzier, Applicant argues that the binder is employed to stabilize the absorbent structure rather than the wrapper per se. However, Putzier states that the binder stabilizes the wrapper at col. 2, line 48; claim 1, and claim 4, which recites "said wrapper (1) being stabilized by a binder in such a way that the material of the absorbing body cannot escape". Therefore, it is the examiner's position that the binder of Putzier stabilizes the entire wrapper, not just one surface of it and that, since the binder is applied to the entire wrapper, the binder would necessarily be mixed with the fibers of the wrapper.

7. Applicant argues that GB '649 does not teach applying a particular binder to a wrapper but to an absorbent core. However, both GB '649 and Putzier are drawn to forming absorbent articles which are biodegradable. GB '649 teaches suitable proportions of binders which can be applied to a fibrous material which is sufficiently strong and further teaches that stabilizing binders can be applied to fibers by means of spraying, dipping or coating in order to form a mixture of binder and fibers. Therefore, although GB '649 is not specifically drawn to applying binders to wrappers as is discussed in Putzier, one of ordinary skill in the art would have been motivated to apply the amount of binder disclosed in GB '649 by the expectation that this would form a sufficiently strong material and that the binder would not adversely affect the absorbency of the wrapper.

8. With regard to Everett, Applicant argues that there is no teaching in Everett to apply a binder to the wrapper. However, GB '648 teaches that binders which are non-irritating can be applied to tissue layers which are incorporated into absorbent articles. Even though GB '648 does not disclose a wrapper per se, one of ordinary skill in the art would have appreciated that the teachings of GB '648 regarding employing binders to strength and stabilize the absorbent fabrics which are used in making absorbent articles were also applicable to the wrapper disclosed in Everett, motivated by the expectation that applying the binder would strengthen the wrapper of Everett.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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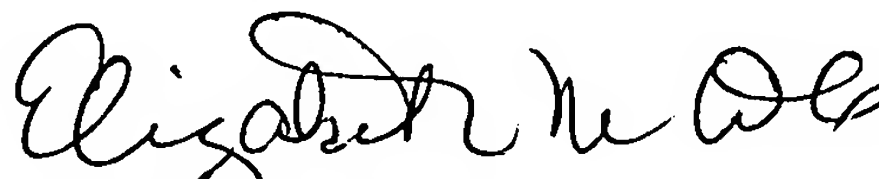
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.



Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c